#### X07-HHD-CV16-6072009-S

SCHAGHTICOKE TRIBAL NATION,	: SUPERIOR COURT
<i>Plaintiff</i> V.	
STATE OF CONNECTICUT, and ROB KLEE, in his official capacity as Commissioner of the Connecticut Department of Energy and Environmental Protection	COMPLEX LITIGATION DOCKET OF HARTFORD
Defendants	MAY 23, 2019

## STN'S MOTION FOR CLARIFICATION OF THE COURT'S MAY 22, 2019 MEMORANDUM OF DECISION DISMISSING TAKINGS CLAIMS

Plaintiff STN moves for clarification of this Court's May 22, 2019 Memorandum of Decision Dismissing Takings Claims ("Decision") dismissing Plaintiff's mortgage takings claim, and respectfully states as follows:

- Plaintiff's complaint contained six Counts. Briefly, Counts One and Two assert constitutional takings claims, Count Three asserts a due process claim, and Counts Four - Six assert claims for breach of fiduciary duty, and seek an accounting and a declaratory judgement.
- The Decision expressly dismisses the mortgage takings claim, which was one of five remaining Counts pleaded in the Complaint, but then states that "Judgment will enter for the defendants." Decision, p. 4.
- 3. Plaintiff moves for clarification as to whether the Court is entering judgment as to Plaintiff's entire case, thereby dismissing the entire case, or whether the Decision is limited to the takings claims, and not to the other four Counts (Counts three through six) in the Complaint. Counts

three through six have not been heard by the Court, or subject to the additional supplemental briefing that the takings claims were.

- 4. The need for clarification arises in part due to the Court's last Memorandum of Decision on the land takings claim, wherein the Court stated that the ruling did not affect the other claims pleaded in the Complaint. Order, December 17, 2017. The remaining claims are separate and apart from the dismissed takings claims. No such distinction is made in the present Decision as to Counts three through six. Moreover, the last docket entry, dated May 22, 2019, indicates that judgment has been entered. Plaintiff seeks clarification as to the following: Does the Decision dismiss the entire case, and enter judgment for the defendants, or is that judgment partial, limited to just the constitutional takings claim, leaving the remaining four Counts (three through six in the Complaint) pending before the trial court.
- Motions for clarification, although not specifically described in the rules of practice, are commonly considered and procedurally proper. *State v. Denya*, 294 Conn. 516, 528 (2010); *Holcombe v. Holcombe*, 22 Conn. App. 363, 366 (1990).

WHEREFORE, Plaintiff respectfully requests that the Court clarify its Decision as and pursuant to the question and issue as set forth above.

Respectfully submitted,

PLAINTIFF SCHAGHTICOKE TRIBAL NATION

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### **CERTIFICATION OF SERVICE**

I hereby certify, pursuant to Practice Book §§ 10-12 through 10-17 that a copy of the above was mailed via first class mail postage pre-paid on May 23, 2019, or e-mailed to all counsel of record:

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